

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

<b>IMPLICIT, LLC,</b>	§	
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	<b>Civil Action No. 2:18-cv-53-JRG</b>
	§	<b>LEAD CASE</b>
<b>NETSCOUT SYSTEMS, INC.,</b>	§	<b>JURY TRIAL DEMANDED</b>
	§	
<i>Defendant.</i>	§	

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**JOINT MOTION TO AMEND DOCKET CONTROL ORDER (DKT. 36)**

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COME NOW JOINTLY Plaintiff Implicit, LLC (“Implicit”) and Defendants NetScout Systems, Inc. (“NetScout”) and Sandvine Corporation (“Sandvine”) and respectfully move to amend the Court’s Docket Control Order dated July 19, 2018 (Dkt. 36). In support thereof, the parties would respectfully show the Court as follows:

The parties seek a First Amended Docket Control Order amending the deadlines to serve supplemental infringement contentions and supplemental invalidity contentions and to comply with P.R. 4-1, 4-2, 4-3, and 4-4. The requested amendments do not affect any other deadlines, including any hearing deadlines. The parties request these schedule modifications not for purposes of delay but to allow further time for the parties to evaluate their positions and so that justice may be served. The current schedule, which sets the claim construction hearing for March 27, 2019, provides ample time to accommodate the requested modifications.

The proposed modifications are detailed in the following chart:

<b>Event</b>	<b>Old Deadline</b>	<b>New Deadline</b>
Implicit to serve Supplemental Infringement Contentions as to NetScout and Sandvine	October 30, 2018	November 28, 2018
NetScout and Sandvine to serve Supplemental Invalidity Contentions		January 25, 2019
Comply with P.R. 4-1 (Exchange Proposed Claim Terms)	November 19, 2018	December 13, 2018
Comply with P.R. 4-2 (Exchange Preliminary Claim Constructions)	December 12, 2019	January 18, 2019
Comply with P.R. 4-3 (Joint Claim Construction Statement)	January 9, 2019	January 25, 2019
Comply with P.R. 4-4 (Deadline to Complete Claim Construction Discovery)	January 30, 2019	February 7, 2019

WHEREFORE, PREMISES CONSIDERED, Implicit, NetScout, and Sandvine respectfully pray that the Court enter the attached First Amended Docket Control Order, and for all other relief to which they are justly entitled.

Dated: November 1, 2018

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Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, this document is being served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(V). Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(d) and (e), any counsel of record not deemed to have consented to electronic service will be served with a true and correct copy of the foregoing by email on this November 1, 2018.

/s/ William E. Davis, III  
William E. Davis, III